

September 9, 2014

The Honorable Kevin McCarthy
Majority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Leader McCarthy,

We write to urge you to bring to the floor H.R. 1852, the bipartisan Yoder-Polis bill updating the Electronic Communications Privacy Act (ECPA).

Updating ECPA would respond to the deeply held concerns of Americans about their privacy. H.R. 1852 would make it clear that the warrant standard of the U.S. Constitution applies to private digital information just as it applies to physical property.

The Yoder-Polis bill would aid American companies seeking to innovate and compete globally. It would eliminate outdated discrepancies between the legal process for government access to data stored locally in one's home or office and the process for the same data stored with third parties in the Internet "cloud." Consumers and businesses large and small are increasingly taking advantage of the efficiencies offered by web-based services. American companies have been leaders in this field. Yet ECPA, written in 1986, says that data stored in the cloud should be afforded less protection than data stored locally. Removing uncertainty about the standards for government access to data stored online will encourage consumers and companies, including those outside the U.S., to utilize these services.

H.R. 1852 would not impede law enforcement. The U.S. Department of Justice already follows the warrant-for-content rule of H.R. 1852. The only resistance to reform comes from civil regulatory agencies that want an exception allowing them to obtain the content of customer documents and communications directly from third party service providers. That would expand government power; government regulators currently cannot compel service providers to disclose their customers' communications. It would prejudice the innovative services that we want to support, creating one procedure for data stored locally and a different one for data stored in the cloud. For these reasons, we oppose a carve-out for regulatory agencies or other rules that would treat private data differently depending on the type of technology used to store it.

H.R. 1852 is co-sponsored by over 260 Members, including a majority of the majority. We urge you to bring it to the floor. We believe it would pass overwhelmingly, proving to Americans and the rest of the world that the U.S. legal system values privacy in the digital age.

Sincerely,

Adobe
ACT | The App Association
American Association of Law Libraries
American Civil Liberties Union
American Library Association
Americans for Tax Reform
AOL
Apple
A Small Orange
Association of Research Libraries
Automattic
Autonet Mobile
Blacklight
Brennan Center for Justice at NYU Law School
BSA | The Software Alliance
Center for Democracy & Technology
Center for Financial Privacy and Human Rights
Cheval Capital
CloudTech1
Code Guard
Coughlin Associates
Competitive Enterprise Institute
Computer & Communications Industry Association (CCIA)
The Constitution Project
Council for Citizens Against Government Waste
Data Foundry
Digital Liberty
Direct Marketing Association
Disconnect
Discovery Institute
Distributed Computing Industry Association (DCIA)
Dropbox
DuckDuckGo
Endurance International Group
Evernote
Electronic Frontier Foundation
Engine Advocacy
Facebook
Foursquare
FreedomWorks
Future of Privacy Forum
Gandi
Golden Frog
Google
Hewlett-Packard

Information Technology Industry Council (ITI)
The Internet Association
Intuit
Internet Infrastructure Coalition (i2Coalition)
Kwaai Oak
Less Government
LinkedIn
Media Science International (MSI)
Microsoft
NetChoice
New America's Open Technology Institute
Newspaper Association of America
Oracle
Peer1 Hosting
Personal
Rackspace
Records Preservation and Access Committee
R Street Institute
reddit
ScreenPlay
Servint
Software & Information Industry Association (SIIA)
Symantec
Taxpayers Protection Alliance
Tech Assets
TechFreedom
TechNet
Tucows
Tumblr
Twitter
U.S. Chamber of Commerce
Yahoo! Inc.